

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

7 November 2011

Present:-

Councillors Healey (Chairman), Bakewell MBE, Bown, Boyd, Brooksbank, Cann, Drean, Dyke, Eastman, Foggin, Fry, Gordon, Gribble, Hughes OBE, Leaves, Smith, Way, Woodman and Yeomans

Apologies:-

Councillors BurrIDGE-Clayton, Horsfall, Mills, Radford, Randall Johnson and Wright

DSFRA/38. M5 Incident, Taunton, Friday 4 November 2011

The Chairman and Authority Members present paid tribute to the effectiveness, bravery and professionalism of all the emergency services – and, specifically, those officers of the Devon & Somerset Fire & Rescue Service directly involved – in responding to the multi-vehicle collision between junctions 24 and 25 of the M5 motorway in the evening of Friday 4 November 2011.

The Authority then stood to observe one minute's silence as a mark of respect for those who had lost their lives as a result of this tragic occurrence.

DSFRA/39. Minutes

RESOLVED that the Minutes of the meeting of the Authority held on 29 September 2011 be signed as a correct record.

DSFRA/40. Fire Control Consolidation

(An item of urgency taken in accordance with Section 100B(4)(b) of the Local Government Act 1972).

The Chairman determined that this should be considered as a matter of urgency to enable the Authority to determine a solution at this point in time to mitigate against additional costs being incurred. Additionally, in light of the subject matter it was felt more appropriate that the issue should be considered in the absence of the press and public.

(SEE ALSO MINUTE DSFRA/51 BELOW)

DSFRA/41. Declarations of Interest

Members were invited to consider whether they had any **personal/personal and prejudicial interests** in items as set out on the agenda for this meeting and declare any such interests at this time.

No recordable interests were declared.

DSFRA/42. Address by the Fire Brigades Union

In accordance with Standing Order 13, the Authority received an address by the Fire Brigades Union on the changes being proposed by central government to the Firefighters Pensions Schemes. The FBU commented that the talks currently being held at a national level were positive and that further dialogue was intended on the government proposal to increase employee contributions.

(SEE ALSO MINUTE DSFRA/52 BELOW)

DSFRA/43. Minutes of Committees, Working Parties Etc.

(a) Audit and Performance Review Committee

The Chair of the Committee, Councillor Dyke, **MOVED** the Minutes of the meeting of the Committee held on 22 September 2011 which had considered, amongst other things:

- a progress summary on work undertaken by Audit Commission, including production of the Annual Governance Report 2010/11 (linked to the Authority's Statement of Accounts for that financial year);
- the Authority's audited Statement of Accounts 2010/11;
- a report setting out progress against those actions identified in the Authority's 2009/10 Annual Governance Statement;
- a report on the Authority's fraud and corruption arrangements, covering an assessment of these arrangements and matters investigated during 2010/11;
- a report on progress against the Authority's approved internal audit programme for 2011/12; and
- a report on performance during the first quarter of 2011 against those measures contained in the approved Corporate Plan 2011/12 to 2013/14.

RESOLVED that, in accordance with Standing Orders, the Minutes be adopted.

(b) Human Resources Management and Development Committee

The Chair of the Committee, Councillor Cann, **MOVED** the Minutes of the meeting of the Committee held on 3 October 2011 which had considered, amongst other things:

- a report on absence management within the Service;
- a presentation on the forthcoming Equality Framework Peer Assessment;
- a report on measures designed at securing a level of service in the event of a business continuity event; and
- a report on the project to establish a consolidated fire control for the Service.

RESOLVED that, in accordance with Standing Orders, the Minutes be adopted.

(SEE ALSO MINUTES DSFRA/44 AND 51 BELOW)

(c) Resources Committee

The Chair of the Committee, Councillor Gordon, **MOVED** the Minutes of the meeting of the Committee held on 19 October 2011 which had considered, amongst other things:

- a report on performance in the current financial year against the Authority's approved Treasury Management Policy;

- a report on the performance of the Authority during the second quarter of the current financial year against the agreed financial targets for that year and monitoring expenditure against the approved revenue and capital budgets; and
- reports on proposed responses to consultations on the distribution of fire capital grant and on proposals for business rates retention.

RESOLVED

- (i) that the recommendation at Minute RC/9 (Treasury Management Performance 2011/12 (to September 2011)) be considered in conjunction with Minute DSFRA/ below;
- (ii) that, subject to (i) above and in accordance with Standing Orders, the Minutes be adopted.

(SEE ALSO MINUTE DSFRA/45 BELOW)

(d) Commercial Services Committee

The Chair of the Committee, Councillor Healey, **MOVED** the Minutes of the meeting of the Committee held on 19 October 2011 which had considered, amongst other things:

- a report on the drafting of Articles of Association for Red One Ltd.;
- a draft contract between Red One Ltd. And the Authority; and
- a draft Business Case with Falck.

RESOLVED

- (i) that the recommendation at Minute CSC/13 (Draft Business Case with Falck) be considered in conjunction with Minute DSFRA/ below;
- (ii) that, subject to (i) above and in accordance with Standing Orders, the Minutes be adopted.

(SEE ALSO MINUTE DSFRA/49 BELOW)

DSFRA/44. Equalities Framework Peer Assessment

The Authority received a presentation from the Community and Workplace Equalities Manager on the following issues:

- the Public Sector Equality Duty introduced in April 2011;
- the outcome-focussed Fire & Rescue Service Equality Framework which comprised five themes (leadership and promoting inclusion; accountability; effective services and community engagement; employment and training; evaluation and sharing good practice) and had three levels (Developing, Achieving and Excellent) with the Service aspiring to secure Excellent by 2014 in line with its Corporate Strategy;
- the initial mock assessment undertaken by the Service against the Framework in 2010 and the outcomes of this including key areas for improvement;
- steps taken to secure improvements (e.g. an enhanced Equality Bids and Benefits Assessment to be embedded in project business cases, process design and policy development; and

- the forthcoming, full Peer Assessment which would feature, amongst other things, a range of focus groups involving employees and Members. The assessment was by way of examination by “critical friends” rather than an inspection.

(SEE ALSO MINUTE DSFRA/43(b) ABOVE)

DSFRA/45. Treasury Management Performance 2011/12 (to September 2011)

The Authority received for information a report of the Treasurer (DSFRA/11/26) to which was appended the report (previously considered by the Resources Committee at its meeting on 19 October 2011) setting out, in line with best practice guidance issued by the Chartered Institute for Public Finance Accountancy, performance in relation to the Authority’s approved treasury management activities for the first half of the 2011/12 financial year.

In summary, none of the prudential indicators had been breached and a prudent approach had been taken on investment decisions, with priority being given to liquidity and security over yield. While investment returns were low as a consequence of the fall in interest rates, the Authority was still achieving returns above the LIBID 3 month rate which was the benchmark return for this type of short-term investment.

(SEE ALSO MINUTE DSFRA/43(c) ABOVE).

DSFRA/46. Chairman's Announcements

The Authority received for information details on events undertaken by the Chairman on behalf of the Authority since its last meeting.

DSFRA/47. Chief Fire Officer's Announcements

Assistant Chief Fire Officer Stratford reported, on behalf of the Chief Fire Officer, a fire death that had occurred on 3 November 2011 in a small terraced building in Teignmouth. The person had initially been rescued from the fire but had subsequently died. Further details were not forthcoming at this time as the cause of the incident was still being investigated.

DSFRA/48. Exclusion of the Press and Public

RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972 the press and public were excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined:

- for Minutes DSFRA/49 and 50 below, in Paragraph 3 of Part 1 of Schedule 12A (as amended) to the Act, namely information relating to the financial and business affairs of the Authority and other companies; and
- for Minutes DSFRA/51, 52 and 53 below:
 - in Paragraph 3 of Part 1 of Schedule 12A (as amended) to the Act, namely information relating to the financial and/or business affairs of the Authority; and
 - in Paragraph 4 of Part 1 of Schedule 12A (as amended) to the Act, namely information relating to consultations or negotiations in connection with labour relations matters between the Authority and its employees.

DSFRA/49. Draft Business Case With Falck

(An item taken in accordance with Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded from the meeting).

The Authority considered a report of the Director of People and Organisational Development (DSFRA/11/28) to which was appended a report previously considered by the Commercial Services Committee, at its meeting on 19 October 2011, and setting out a draft summary Business Plan with Falck DS. The Business Plan outlined the potential for co-operation between Falck DS and the Devon & Somerset Fire & Rescue Service to pursue common business interests in the UK.

RESOLVED that the recommendation of the Commercial Services Committee as set out at Minute CSC/13 of its meeting held on 19 October 2011 be approved, namely:

- (a) that the findings of the draft summary Business Plan (as set out at Appendix A to report CSC/11/4 as submitted to both the Committee and this Authority meeting) be approved; and
- (b) that progression to Stage 2 of the Business Plan be approved.

(SEE ALSO MINUTE DSFRA/43(d)(i) ABOVE)

DSFRA/50. Opportunity to Realise Capital Receipt

(An item taken in accordance with Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded from the meeting).

The Authority considered a joint report of the Director of Service Support and the Clerk to the Authority (DSFRA/11/27) on a proposal to enter into an Exclusivity Agreement with a property developer for the sale of a Service site. The report outlined, amongst other things, the indicative value and potential future use for the site and conditions that would need to be met for the initiative to proceed. Of these, the key consideration was that there would be no reduction in the provision of operational fire cover in the area concerned.

Pending approval to the Exclusivity Agreement, the next stages in the initiative would feature negotiation of detailed Heads of Terms (covering issues such as the price to be paid for the site) followed by an Option Agreement which would effectively provide the contractual agreement for the Authority to sell the site to the developer if the developer exercised their option to buy.

The Authority had engaged the services of a specialist legal adviser for this initiative which, should it be concluded, should result in the Authority securing a substantial capital receipt at a time when there was increasing pressure on the capital budget and associated revenue implications.

RESOLVED

- (a) that the Exclusivity Agreement as appended to report DSFRA/12/27 be entered into with a view to the Authority realising a capital receipt;
- (b) that, arising from this Exclusivity Agreement, detailed Heads of Terms be developed for reporting to and subsequent approval by the Authority either at its meeting to be held on 16 December 2011 or to a special Authority meeting to be held for that purpose on 12 January 2012.

DSFRA/51. Fire Control Consolidation Project – Staffing Considerations

(An item taken in accordance with Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded from the meeting).

(An item of urgency taken in accordance with Section 100B(4)(b) of the Local Government Act 1972).

The Chairman had determined at the start of the meeting that this item should be considered as a matter of urgency to enable the Authority to determine a solution at this point in time to mitigate against additional costs being incurred.

The Director of Service Delivery reported and circulated an aide memoire on the latest position in relation to proposals to effect, from 1 April 2012, a consolidated, single control room for the Devon & Somerset Fire & Rescue Service. The Human Resources Management and Development Committee had, at its last meeting, approved certain proposals to secure the consolidation for the purposes of consultation with affected staff and representative bodies (Minute *HRMDC/21 refers).

These discussions had taken place and, since that time, a further analysis of the indicative project plan timeline had indicated a need for approval to proceed to be given at this stage if significant additional costs were to be avoided.

Consequently, the report outlined the staffing structure for the consolidated control, the mechanism to secure it by 1 April 2012 and indicated that the one-off costs associated with this could be found from within existing resources for the current financial year.

RESOLVED

- (a) that the consolidated control structure as indicated in the third column of the table set out in paragraph 2.1 of the aide memoire circulated at the meeting, as previously endorsed by the Human Resources Management and Development Committee, be approved; and
- (b) that the one-off costs associated with securing this staffing model be met from within existing resources for the current financial year.

(SEE ALSO MINUTES DSFRA/40 AND 43(b) ABOVE).

DSFRA/52. Business Continuity Issues Update

(An item taken in accordance with Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded from the meeting).

The Authority received for information a report of the Director of Service Support (DSFRA/11/29) setting out, amongst other things:

- the legal obligations on the Service to make reasonable preparations in support of business continuity;
- issues relating to securing appropriate levels of emergency cover and options being explored in relation to this; and
- communications considerations.

The report also referred to the potential for industrial action linked to government proposals on pensions reform and indicated that, while at present the Executive Committee of the Fire Brigades Union had refrained from seeking a ballot for industrial action, UNISON had registered its intention to ballot. Given the legal obligations on the Service, preparations to manage any business continuity events would continue.

(SEE ALSO MINUTE DSFRA/42 ABOVE)

DSFRA/53. Staff Availability Systems Update

(An item taken in accordance with Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded from the meeting).

The Authority received, for information, a report of the Director of Service Support (DSFRA/11/30) on ongoing discussions with representative bodies relating to the proposal, as contained in the approved Corporate Plan 2011/12 to 2013/14, to introduce a new staff availability system on some stations.

While arrangements on the Day Crewed Plus model had not been productive to date, other potential models had been identified and meetings arranged to discuss these with the relevant representative body. Further reports on the outcome of these discussions would be submitted to the Authority in due course and it remained the case that some form of alternative crewing arrangements would need to be implemented to enable the Authority to satisfy its legal requirement to set a balanced budget in 2013/14.

The meeting started at 14.00hours and finished at 16.10hours.